

Peoria Heights Zoning Board of Appeals

Rick Picl, Chairman

Minutes for June 22, 2020

A meeting of the Village of Peoria Heights Zoning Board of Appeals was held on June 22, 2020 at the Peoria Heights Village Hall. The meeting was called to order by Chairman Rick Picl at 5:30pm.

Mr. Wigginton called roll. All members were present with the exception of Mr. Cady.

Chairman Picl entertained a motion to approve the minutes from the previous meeting held on June 1, 2020. The motion was made Vice-Chairman Ms. Bucklar and seconded by Mr. Callaway and there was unanimous consent to approve.

Chairman Picl introduced the first order of Business:

- Variance application submitted by Emily Ault seeking a permit construction of a front yard fence on the property located at 3919 N. Atlantic Ave, Peoria Heights, Illinois 61616 (PIN No. 14-27-177-036) which is currently zoned R-2 (Medium Density Residential District)
  - o Chairman Picl asked the petitioner to address the issue and Ms. Ault noted that she has two young children that she needs to protect from going into the yard as well as her dogs. The petitioner has had people trespass on her property in that they cross through her yard. The property line was not clear to the petitioner when questioned by Chairman Picl. Chairman Picl stated that the fence cannot be in the right-of-way. A survey has not been conducted. Chairman Picl noted there was a pool and there needs to be a non-climbable fence of six feet all the way around the pool.
- Chairman Picl then proceeded to the findings of fact on the variance application
  - o Will the strict application of the terms of the Zoning Code relating to the use, construction or alteration of buildings or structures or to the use of land impose practical difficulties or a particular hardship upon the Petitioner?
    - The board answered in the affirmative 8-0
  - o If the variation is granted, the property affected by the variation will remain in harmony with the general purport and intent of the Zoning Code.
    - The board answered in the affirmative 8-0
  - o The approval of the variation will not merely serve as a convenience to the Petitioner but is necessary to alleviate some demonstratable hardship on the Petitioner.
    - The board answered in the affirmative 8-0
  - o Can the variation requested by the Petitioner be granted without substantial detriment to the public good?
    - The board answered in the affirmative 8-0

- Can the proposed variation be approved without impairing the general purpose and intent of the comprehensive plan as implemented by the Zoning Code?
  - The board answered in the affirmative 8-0
- If the proposed variance involves a fence, will the fence conform with the standards set forth at subsections 10-4-7D2c(2)-D2c(5) of the Zoning Code?
  - The board answered in the affirmative 8-0
- A motion was made by Mr. Woo and seconded by Ms. Backs and the motion was approved with a condition that the fence be placed on the property line 8-0.

Chairman Picl introduced the second order of business:

Variance application filed by KDB Group, LLC and Atrium Hotel, LLC seeking approval of a site plan for development of a hotel on the property located at 4615 N. Prospect Rd, Peoria Heights, Illinois 61616 (PIN 14-22-331-007, 14-22-331-008, 14-22-331-009, 14-22-331-010, 14-22-331-019), which property is currently zoned B1 (central business district).

- The petitioner noted that there would a height variance to get an extra floor. The 54-foot level is required because of the grade of Prospect. Ms. Backs asked if the building could be constructed in a way that would allow for code and Counsel noted that he did not believe that the petitioner really needed to request this variance due to the positioning of this building.
  - Will the strict application of the terms of the Zoning Code relating to the use, construction or alteration of buildings or structures or to the use of land impose practical difficulties or a particular hardship upon the Petitioner?
    - The board answered in the affirmative 8-0
  - If the variation is granted, the property affected by the variation will remain in harmony with the general purport and intent of the Zoning Code.
    - The board answered in the affirmative 8-0
  - The approval of the variation will not merely serve as a convenience to the Petitioner but is necessary to alleviate some demonstratable hardship on the Petitioner.
    - The board answered in the affirmative 8-0
  - Can the variation requested by the Petitioner be granted without substantial detriment to the public good?
    - The board answered in the affirmative 8-0
  - Can the proposed variation be approved without impairing the general purpose and intent of the comprehensive plan as implemented by the Zoning Code?
    - The board answered in the affirmative 8-0
  - If the proposed variance involves a fence, will the fence conform with the standards set forth at subsections 10-4-7D2c(2)-D2c(5) of the Zoning Code?
    - The board found this to be not applicable.

- A motion was made by Mr. Woo and seconded by Mr. Wigginton and the motion was approved without conditions 8-0.
  
- The petitioner discussed the glass store front variance that was requested. Counsel noted that this was not the type of project that was envisioned when the 70% requirement was established. Mr. Callaway inquired why there were not more windows placed to bring the entry into the original building and the petitioner noted that there were different building materials.
  - Will the strict application of the terms of the Zoning Code relating to the use, construction or alteration of buildings or structures or to the use of land impose practical difficulties or a particular hardship upon the Petitioner?
    - The board answered in the affirmative 8-0
  - If the variation is granted, the property affected by the variation will remain in harmony with the general purport and intent of the Zoning Code.
    - The board answered in the affirmative 8-0
  - The approval of the variation will not merely serve as a convenience to the Petitioner but is necessary to alleviate some demonstratable hardship on the Petitioner.
    - The board answered in the affirmative 8-0
  - Can the variation requested by the Petitioner be granted without substantial detriment to the public good?
    - The board answered in the affirmative 8-0
  - Can the proposed variation be approved without impairing the general purpose and intent of the comprehensive plan as implemented by the Zoning Code?
    - The board answered in the affirmative 8-0
  - If the proposed variance involves a fence, will the fence conform with the standards set forth at subsections 10-4-7D2c(2)-D2c(5) of the Zoning Code?
    - The board found this to be not applicable.
  - A motion was made by Mr. Wigginton and seconded by Vice-Chairman Bucklar and the motion was approved without conditions 8-0.
  
- Chairman Picl then moved on to the projecting canopy. Counsel noted that this was not really a setback variance, instead this is a projection onto the Village right-of-way. Counsel noted that the developer would really need a license to go into the right-of-way from the Village Board but a variance from an overlay district perspective was nevertheless relevant. Vice-Chairman Bucklar noted that there were restrictions on awning and Counsel agreed but the petitioners request falls outside the scope of awnings. The petitioner noted that the construction of the awning would be purely aesthetic and would serve no functional purpose other than a shading

device. Counsel still noted that the wall planned would fall in the right-of-way and would require a variance.

- Will the strict application of the terms of the Zoning Code relating to the use, construction or alteration of buildings or structures or to the use of land impose practical difficulties or a particular hardship upon the Petitioner?
    - The board answered in the affirmative 8-0
  - If the variation is granted, the property affected by the variation will remain in harmony with the general purport and intent of the Zoning Code.
    - The board answered in the affirmative 8-0
  - The approval of the variation will not merely serve as a convenience to the Petitioner but is necessary to alleviate some demonstratable hardship on the Petitioner.
    - The board answered in the affirmative 8-0
  - Can the variation requested by the Petitioner be granted without substantial detriment to the public good?
    - The board answered in the affirmative 8-0
  - Can the proposed variation be approved without impairing the general purpose and intent of the comprehensive plan as implemented by the Zoning Code?
    - The board answered in the affirmative 8-0
  - If the proposed variance involves a fence, will the fence conform with the standards set forth at subsections 10-4-7D2c(2)-D2c(5) of the Zoning Code?
    - The board found this to be not applicable.
  - A motion was made by Mr. Tijerina and seconded by Ms. Backs and the motion was approved without conditions 8-0.
- Chairman Picl noted that there was a sidewalk width variance request. While the petitioner noted that there was an upper and lower sidewalk, five feet is required in the overlay district. Because there are planters, a variance was requested. Mr. Wigginton was concerned about those in wheelchairs would be able to navigate the sidewalk.
    - Will the strict application of the terms of the Zoning Code relating to the use, construction or alteration of buildings or structures or to the use of land impose practical difficulties or a particular hardship upon the Petitioner?
      - The board answered in the affirmative 8-0
    - If the variation is granted, the property affected by the variation will remain in harmony with the general purport and intent of the Zoning Code.
      - The board answered in the affirmative 8-0

- The approval of the variation will not merely serve as a convenience to the Petitioner but is necessary to alleviate some demonstratable hardship on the Petitioner.
  - The board answered in the affirmative 8-0
- Can the variation requested by the Petitioner be granted without substantial detriment to the public good?
  - The board answered in the affirmative 7-1, Mr. Wigginton voted in the negative.
- Can the proposed variation be approved without impairing the general purpose and intent of the comprehensive plan as implemented by the Zoning Code?
  - The board answered in the affirmative 8-0
- If the proposed variance involves a fence, will the fence conform with the standards set forth at subsections 10-4-7D2c(2)-D2c(5) of the Zoning Code?
  - The board found this to be not applicable.
- A motion was made by Mr. Calloway and seconded by Mr. Weideman. Mr. Wigginton raised a question that there would be an unobstructed five feet of walk/wheelchair space for people commuting on the sidewalk and the petitioner confirmed there would be. The motion was approved without conditions 8-0.

Chairman Picl introduced the third order of business:

Site Plan approval filed by KDB Group, LLC and Atrium Hotel, LLC seeking approval of a site plan for development of a hotel on the property located at 4615 N. Prospect Rd, Peoria Heights, Illinois 61616 (PIN 14-22-331-007, 14-22-331-008, 14-22-331-009, 14-22-331-010, 14-22-331-019), which property is currently zoned B1 (central business district).

- The thought process was a switch box would be placed on the west-side of the west entrance in a landscaping area. This was due to Ameren not allowing these to be placed underground. A junction box may be required to serve the jewelry store just west of the hotel. The transformer will be in the back of the building. Mr. Calloway inquired about parking and where the dumpsters would be. Gregg Berkland noted that all of the dumpsters would be located in one enclosure to make them look better. Mr. Woo was concerned about fire safety and how fire engines would be able to access the property along with ladder trucks. Ms. Backs noted that if they can do anything with the landscape, please do.
  - The establishment, maintenance, or operation of the site plan will not be detrimental to or endanger the public health, safety, morals, comforts or general welfare
    - The board answered in the affirmative 8-0
  - The site plan will not be injurious to the uses and enjoyment of other property in the immediate vicinity for the purposes already permitted, nor substantially diminish and impair property values within the neighborhood in which it is to be located

- The board answered in the affirmative 8-0
  - The establishment of the site plan will not impede the normal and orderly development and improvement of the surrounding property for uses permitted in the district.
    - The board answered in the affirmative 8-0
  - Adequate facilities access roads, drainage and/or necessary facilities have been or will be provided
    - The board answered in the affirmative 8-0
  - Adequate measures have been or will be taken to provide ingress and egress designed as to minimize traffic congestion in the public streets.
    - The board answered in the affirmative 8-0
  - If a public use or use providing public utility service, that such use of service shall meet a demonstratable public need and provide a public benefit
    - The board found this to be not applicable
  - The site plan shall, in all other respects conform to the applicable regulations of the district in which it is located, except as such regulations may, in each instance, be modified pursuant to the recommendation of the zoning board of appeals
    - The board answered in the affirmative 8-0
- A motion was made by Mr. Wigginton and seconded by Vice-Chairman Bucklar to approve special use with a condition that the KDB Group work with the fire department on the placement of hydrants. Ms. Backs requested that they do their best with greenspace. The board answered in the affirmative 8-0.

Chairman Picl adjured the meeting at 7:31pm